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Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the Security Council pursuant to the request of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), which is contained in the Framework Agreement on the Resumption of the Negotiating Process (A/49/61-S/1994/53, annex) and in all subsequent agreements, for the United Nations to carry out international verification of the peace accords which they have been negotiating with the assistance of the United Nations. The report is concerned exclusively with the agreement on the definitive ceasefire, which was signed by the parties on 4 December 1996 in Oslo and whose text is attached (without its detailed annexes), and follows upon my report of 26 November 1996 to the General Assembly, which was also circulated to the Security Council (A/51/695-S/1996/998). In that report I indicated (para. 12) that verification of measures related to the ceasefire agreement would be required very soon after signature of the overall package of peace accords and would, inter alia, involve the deployment of United Nations military personnel to verify the ceasefire, the separation of forces and the demobilization of URNG combatants.

2. The agreement on the definitive ceasefire will come into force, like other agreements in the overall peace package, upon the signing of the final peace agreement, which is scheduled for 29 December 1996 in Guatemala City. Subject to the Council's approval, the agreement will then require, within a short time, an increase in the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), through the addition, for a period of three months, of a military component to undertake verification of its implementation.

3. The purpose of the present report is to convey to the Security Council my recommendations on how the proposed military component of MINUGUA should undertake the responsibilities entrusted to it by the ceasefire agreement and on

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what changes will as a result be required in its organization and strength. These recommendations are based on the findings of a technical survey team of the Secretariat which has visited Guatemala to assess requirements and to prepare for the possible deployment of United Nations military personnel.

II. VERIFICATION REQUIREMENTS ARISING FROM THE AGREEMENT ON THE DEFINITIVE CEASEFIRE

A. Ceasefire

4. The agreement provides that the ceasefire will enter into force as of 0000 hours on D-day, the date on which the United Nations verification mechanism shall be in place with a full operational capacity, and that the process must be completed no later than D+60, with the demobilization of approximately 3,000 URNG combatants. From D-10 to D-day, the United Nations is asked to deploy its personnel and equipment in order to verify the ceasefire at the sites agreed by the parties. During the ceasefire, MINUGUA military observers will be present in designated military units of the Guatemalan armed forces (GAF) and at URNG assembly points for purposes of verification. Any alleged violation of the ceasefire is to be investigated, verified and reported by MINUGUA military observers.

B. Separation of forces

5. A separation of forces is to be carried out in several stages, with certain Guatemalan army units redeploying to specified locations and URNG assembling at various sites before moving to designated assembly points. The parties are to communicate to MINUGUA military observers, no later than D-10, the full programme for the moves of their respective forces, including composition, routes to be taken and any other information needed to complete the verification. Redeployment of the units of the Guatemalan armed forces is to begin on D+2 and to continue until D+10 or earlier. URNG troops will begin to move from D+11 to D+21, but only if the Guatemalan armed forces have completed their movement. Each URNG group moving to the assembly points will be escorted by United Nations military officers.

6. URNG combatants are to be concentrated at eight assembly points. They will move to these points after D-day only along designated transit routes. After D-day, assembled combatants will be prohibited from leaving the assembly points without the consent and verification of United Nations personnel. United Nations military observers will provide unarmed escort to URNG combatants when they need to leave the assembly points for purposes specified in the agreement.

7. From D-day until URNG has completed its movement to the assembly points, United Nations military observers will establish 8 team sites of 15 personnel each, in order to verify the ceasefire. Another 32 personnel will be positioned at the 8 team sites for command and control purposes.

8. The redeployment of GAF units will result in the establishment of areas in which the armed forces are not present. The minimum distance between GAF units

and URNG assembly points will be 6 kilometres. A security zone with a radius of 6 kilometres will thus be established around each assembly point and the only military personnel permitted access to these zones will be those of the United Nations. Any police activities inside these zones will be subject to coordination with the United Nations verification authorities. A coordination zone with a radius of a further 6 kilometres will be established around each security zone. Movement in the coordination zones by units of the Guatemalan armed forces or volunteer civil defence committees (CVDCs) must be coordinated in advance with United Nations military personnel.

C. Disarming of the Unidad Revolucionaria Nacional Guatemalteca

9. The registration and storage of weapons in the URNG assembly points will be controlled and verified by the permanent presence of United Nations military observers, prior to the complete demobilization of URNG combatants. URNG is to provide the United Nations with detailed information on the number of its combatants, inventories of weapons, explosives and mines and of all other military equipment, both in its possession and in storage. Disarming will consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, explosives and munitions by URNG combatants. From D+11 to D+42, URNG will deposit its military equipment and weapons in special warehouses designated by the United Nations; combatants will, however, keep their personal equipment and weapons as long as they remain at assembly points. Each warehouse will have two locks, with one key held by a United Nations officer and the other by the URNG official in charge of each assembly point. URNG weapons will be transferred to the appropriate Guatemalan authorities by the United Nations after the completion of demobilization. URNG combatants will hand over their personal weapons and uniforms before being issued a demobilization certificate and leaving the assembly point.

D. Demobilization

10. The agreement provides that the demobilization of combatants of URNG, which will put an end to its military structure, will be carried out in the following phases: from D+43 to D+48: 33 per cent; from D+49 to D+54: 66 per cent; from D+55 to D+60: 100 per cent.

E. Concept of operations

11. If the Security Council agrees that MINUGUA's strength should be increased to permit it to fulfil the additional verification functions described above, it will be necessary to establish a military component in the Mission. This new component would be under the overall control of the Head of the Mission. It would be commanded by an officer at the rank of Brigadier General, who would be appointed by the Secretary-General after consultations with the parties and with the consent of the Security Council. The personnel of the military component would be contributed by Member States at the request of the Secretary-General after consultation with the parties and with the Security Council's approval.

The military component would require a strength of 155 officers and some medical personnel until the verification process described above is completed. The members of the military component would have to arrive in the Mission area no later than D-15.

12. Between that day and D-day, the main headquarters of the military component would be established for command, control and logistic purposes in Guatemala City. There would be sector headquarters in Guatemala City and Santa Cruz de Quiché. As noted above, MINUGUA military observers would deploy to 8 verification team sites in the immediate vicinity of the established URNG assembly points. These team sites would ensure a permanent United Nations presence at the URNG assembly points and at designated bases of the Guatemalan armed forces. The teams would execute their verification tasks by patrolling the security and coordination zones by ground and air. They would liaise with the headquarters of the Guatemalan armed forces, its regional commands and URNG at the designated locations and assembly points. For the purpose of coordination, a joint working group would be established with the participation of representatives of both parties to the agreement.

13. If this process is to succeed, the assembly points will have to be fully prepared to receive URNG combatants. A mechanism coordinated by the United Nations has accordingly been established to oversee their preparation. The European Union (EU), the Organization of American States (OAS) and the United States Agency for International Development (USAID), along with several Member States and the Government of Guatemala, are contributing to this undertaking.

14. There would also be additional requirements for premises/accommodation, transport and air operations, communications and miscellaneous equipment. In addition to MINUGUA's existing helicopter, two others with all-weather capability would be required. I shall submit, as soon as possible, an addendum to the present report with preliminary cost estimates for the addition of a military component to MINUGUA for the three-month period envisaged.

III. OBSERVATIONS

15. The agreement on the definitive ceasefire was the third agreement in the Guatemalan peace process to be signed this year. Its signing had been preceded by that of the agreement on social and economic issues and the agrarian situation, at Mexico City on 6 May 1996 (A/50/956, annex), and that of the agreement on the strengthening of civilian power and on the role of the armed forces in a democratic society, also at Mexico City, on 19 September 1996 (A/51/410-S/1996/853, annex). Since its signature on 4 December 1996, two other agreements have been signed: the agreement on constitutional reforms and the electoral regime, on 7 December 1996 at Stockholm; and the agreement on the basis for the integration of URNG into the political life of the country, on 12 December 1996 at Madrid. The agreement on the timetable for the implementation and monitoring of the peace agreements will provide that the staggered demobilization of the URNG forces must be started at the same time as the implementation of the undertakings set out in the peace agreements as a whole.

16. Both parties thus want to see the military aspects of the peace settlement implemented as soon as possible after the signature of the final peace agreement, which is scheduled to take place at Guatemala City on 29 December 1996. This creates a need for the United Nations to deploy MINUGUA's new military component very rapidly after that date. I am therefore presenting the present report to the Security Council in advance of the signature of the final peace agreement. The only agreement in the overall package which remains to be negotiated is the timetable for the implementation and verification of the peace accords. I am confident that the negotiation of that agreement will be rapidly concluded and that it will be signed, as scheduled, at the same time as the final agreement on a firm and lasting peace.

17. The General Assembly has so far assumed the central role in promoting and supporting the peace process in Guatemala, including especially its decision to establish MINUGUA and subsequently to extend that Mission's mandate on a number of occasions. Verification of the definitive ceasefire will, however, require the deployment of United Nations military observers, as described in the present report. In accordance with the established practice of the United Nations, such deployment will require authorization by the Security Council, which has consistently supported the peace process in Central America since it first commended the efforts of the Contadora countries in resolution 530 (1983). The Security Council may wish to grant me contingent authority to take the necessary steps to ensure that the United Nations will be able to attach a military component to MINUGUA, with the mandate, strength and structure proposed in the present report, as soon as possible after the final peace agreement has been signed. Authorization for the actual deployment of the component would be sought as soon as it is confirmed that the final peace agreement has been signed.

Annex

[Original: Spanish]

Agreement on the definitive ceasefire

Whereas:

The definitive ceasefire is the outcome of the concluding of the substantive agreements emanating from the peace process and is also related to the operational agreements on "Basis for the integration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the political life of the country" and the "Timetable for the implementation and verification of the peace agreements", according to which the staggered demobilization of URNG forces called for under this Agreement must be started at the same time as the implementation of the undertakings set out in the peace agreements,

The Government of Guatemala reiterates that the incorporation of URNG in the political and legal life of the country, under conditions of security and dignity, is in the national interest, given that it is directly related to the objective of reconciliation and the consolidation of a democratic system open to all, and to the contribution of all Guatemalans in building a prosperous country, a just and equitable socio-economic system and a multicultural, multiethnic and multilingual nation,

The contents of the peace agreements reflect a national consensus, having been endorsed by the various groups represented in the Assembly of Civil Society and outside it, and thus making the progressive implementation of the peace agreements a national agenda that must address the legitimate aspirations of Guatemalans while uniting the efforts of all behind these common objectives,

The agreement on a definitive ceasefire testifies to the decision by the political-military structure of URNG to constitute itself as a lawful political body and to be a participant, together with the Government and civil society, in working for peace, development and the common good,

During the current phase of negotiations the Government of Guatemala and the forces most representative of Guatemalan society have played a major role in creating the climate of trust which exists between the parties, who recognize that the support of the international community is an important element in the negotiation process,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter "the parties") have agreed as follows:

A. Ceasefire

Concept

1. Ceasefire means the cessation of all insurgent action by URNG units and the cessation of all counter-insurgent action by the Guatemalan armed forces.

Entry into force

2. The ceasefire shall enter into force as of 0000 hours on D-day, the date on which the United Nations verification mechanism shall be in place with full operational capacity. This phase must be completed no later than D+60, with the demobilization of URNG.

3. The parties agree to maintain the current cessation of offensive military activity by URNG and of counter-insurgent military activities by the Guatemalan armed forces until D-day.

4. The United Nations shall notify the parties of the establishment of the verification mechanism as soon as possible so that D-day may be set.

Deployment of the verification mechanism

5. From D-10 to D-day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the parties in the annexes to this Agreement.

Verification sites

6. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to this Agreement.

Ban on political propaganda

7. During troop movements and once at the assembly points, the assembled forces may not engage in any propaganda or political activities beyond the assembly points.

B. Separation of forces

Concepts

8. Redeployment of Guatemalan armed forces units: withdrawal means the establishment of spaces in which there is no Guatemalan armed forces presence of any kind. These spaces are to ensure safety and logistical support for URNG in order to facilitate verification by the United Nations.

9. Assembly and disarming of URNG members: assembly of URNG members shall take place at the points specified by the parties. Their size shall be determined by the number of URNG members to be assembled and shall be sufficient to allow for temporary residence in adequate conditions.

Separation distance

10. Once the assembly points for members of URNG have been agreed upon and the military units of the Guatemalan armed forces referred to in annex C have been

redeployed, the minimum distance between the units and the assembly points shall be 6 kilometres, in order to ensure that the operation proceeds without incident. The URNG assembly points shall be located preferably no less than 20 kilometres from the border.

Security zone

11. A security zone having a radius of 6 kilometres shall be established around each assembly point in which no units of the Guatemalan armed forces, Volunteer Civil Defence Committees (CVDC) or members of URNG may be present.

12. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Coordination zone

13. A coordination zone extending a further 6 kilometres shall be established around each security zone. Movement by military units of the Guatemalan armed forces and CVDCs must be coordinated in advance with the United Nations verification authority.

Establishment of assembly points and transit routes

14. Assembly points and transit routes are listed in the following annexes to this Agreement:

(a) Annex A: Assembly points for URNG units;

(b) Annex B: Transit routes by which URNG units are to travel to the assembly points;

(c) Annex C: Redeployment and location of Guatemalan armed forces military units subject to verification.

Information concerning troops and weapons

15. URNG shall provide the United Nations with detailed information on the number of troops, lists of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage. The Guatemalan armed forces shall likewise provide updated information on the number of troops in the units to be redeployed which are identified in annex C. Both parties shall transmit this information to the verification authority no later than D+15.

16. The parties agree to transmit to the verification authority within the time agreed with both of them any additional information required by the authority.

Start of redeployment

17. Redeployment of the units of the Guatemalan armed forces designated in annex C shall begin on D+2 and shall continue until D+10, or earlier, if possible.

18. URNG troops shall begin to move towards the assembly points designated in annex A from D+11 to D+21 or earlier, if possible. They shall be accompanied in this move by the verification mission.

19. The Parties shall communicate to the United Nations verification authority no later than D-10 the full programme for the moves of their respective forces (composition, route to be taken, when the move is to begin and any other information needed to complete the verification).

Troops to be assembled

20. The troops to be assembled by URNG are as follows:

(a) Members of the various guerrilla fronts or their equivalent in each URNG organization, having command, policy, security, intelligence, logistic, medical service, permanent force and minor unit structures;

(b) Armed elements organized into groups known as local, resistance guerrilla forces and similar groups in each URNG organization, which have been established to provide combat support;

(c) Armed elements organized into groups operating in the urban and suburban fronts of the various URNG organizations.

Restrictions on assembled URNG troops

21. Assembled URNG elements undertake not to leave the assembly points without the consent and verification of the United Nations. They may do so if they are unarmed and accompanied by verification representatives in coordination with the Government of Guatemala, in the cases provided for in the following subparagraphs:

(a) Medical treatment;

(b) To hand over clandestine stores of arms, munitions and equipment located anywhere;

(c) To point out areas where there are minefields;

(d) For any other humanitarian purpose, whether individual or collective;

(e) To conduct consultations with other assembly points or working groups.

Verification of military units of the Guatemalan armed forces designated in annex C

22. The military units of the Guatemalan armed forces designated in annex C of this document shall be subject to verification programmes by the United Nations during the ceasefire process and shall give prior notice of their movements to the verification authority when such movements are scheduled to be conducted within the coordination zones.

Restriction of airspace

23. This shall enter into force on D-Day; utilization of airspace shall remain restricted as follows:

(a) Military flights over security zones shall be prohibited save in case of disaster or public emergency in which case advance notice of such flights shall be given to the United Nations verification authority;

(b) Military flights over coordination zones shall be permitted with advance notification to the United Nations verification mission.

Disarming of URNG

24. Disarming shall consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, munitions, explosives, mines and other supplementary military equipment in the possession of URNG forces, whether in their possession or in minefields or clandestine storage anywhere.

Control of armaments

25. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

26. Each warehouse shall have two locks; one key shall be held by the United Nations and the other by the URNG official in charge of each encampment. The United Nations shall periodically check the inventory of each warehouse.

C. Demobilization

Concept

27. Demobilization means the ending of URNG military structures in the agreed assembly points. The integration of URNG in the country's political life shall proceed in accordance with the agreement on basis for the integration of URNG into the political life of the country, which is subject to United Nations verification.

Operational aspects

28. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall be based on the provisions of the agreement on basis for the integration of URNG into the political life of the country and in accordance with the implementation of the agreement on the timetable for implementation and verification of the peace agreements. The demobilization shall be carried out as follows:

(a) From D+43 to D+48: 33 per cent;

(b) From D+49 to D+54: 66 per cent;

(c) From D+55 to D+60: 100 per cent.

Logistical support

29. A commission made up of representatives of URNG and of the Government of Guatemala shall be established under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

30. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces whether in its possession or in storage.

D. Verification

Term

31. International verification by the United Nations means on-site monitoring of the fulfilment by both parties of the commitments entered into in this Agreement.

Start of verification

32. Verification shall start on D-day when the ceasefire comes into effect, in accordance with the provisions of this Agreement, without thereby restricting fulfilment by the Guatemalan armed forces of their constitutional function in the rest of the national territory.

Coordination and follow-up

33. For the purposes of coordination and follow-up the Parties undertake to designate officials, at different levels, to liaise with the verification authority.

E. Final provision

This Agreement shall be part of the Agreement on a firm and lasting peace and shall enter into force when the latter is signed.

Oslo, 4 December 199

FOR THE GOVERNMENT OF GUATEMALA

(Signed) Gustavo PORRAS CASTEJÓN

(Signed) Otto PÉREZ MOLINA
Brigadier General

(Signed) Raquel ZELAYA ROSALES

(Signed) Richard AITKENHEAD CASTILLO

FOR THE UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

(Signed) Commander Rolando MORAN

(Signed) Commander Pablo MONSANTO

(Signed) Carlos GONZALES

(Signed) Jorge ROSAL

FOR THE UNITED NATIONS

(Signed) Jean ARNAULT
Moderator